



Staff Report

PUBLIC HEARING TO CONSIDER A RESOLUTION VACATING A PORTION OF THE 20' ALLEYWAY KNOWN AS CIVIC LANE ADJACENT TO 1300 EL CAMINO REAL (APN 045-244-010); AND A RESOLUTION ACCEPTING THE DEDICATION OF A PUBLIC UTILITY EASEMENT ON THE OLD BELMONT FIRE STATION PROPERTY AT 875 O'NEILL AVENUE (APN 045-244-160)

Honorable Mayor and Council Members:

Summary

The City Council is requested to adopt a resolution vacating a portion of the 20' alleyway known as Civic Lane which lies adjacent to 1300 El Camino Real, and retaining an access easement and temporary utility easement. The City Council is also requested to adopt another resolution to accept the dedication of a public utility easement on the Old Belmont Fire Station property at 875 O'Neill Avenue.

Background

On June 24, 2008, the City Council approved a tentative map and conceptual development plan amendment for the construction of a new four story mixed-use building at 1300 El Camino Real. The proposed building includes a sub-grade garage basement level, a ground floor commercial space, and nine residential units. The project also includes an access ramp extending along the existing Civic Lane right-of-way from O'Neill Avenue to the sub-grade level. Completion of the project requires the vacation of a portion of Civic Lane to create a site large enough to accommodate the new mixed-use building at 1300 El Camino Real.

On June 17, 2008, the Planning Commission reviewed the proposed vacation and determined that the disposal of this public right-of-way (Civic Lane alleyway) adjacent to 1300 El Camino Real does conform to the General Plan (Government Code Section 65402). State law requires the Planning Commission determine the proposed vacation of right-of-way is consistent with the City's General Plan.

On July 8, 2008, the City Council declared its intention to vacate a portion of the 20' alleyway known as Civic Lane which lies adjacent to 1300 El Camino Real. Notices for public hearing were sent to all residents within 300' radius, published in a newspaper, and posted along the streets.

Discussion

Vacation proceedings must be conducted in accordance with Division 9, Part 3, Chapter 3 of the Streets and Highways Code. To vacate a public street, the City must be able to make the necessary findings that the street to be vacated is unnecessary for present or prospective public use and that there is public benefit derived from the vacation. Because all the existing utilities will be relocated from this area and that access will still be maintained from the south end of the alleyway, a finding can be made that there is no existing benefit to the general public on this portion of street.

The City will maintain an access easement through the Civic Lane alleyway that is to be utilized for the project down-ramp to the subterranean/parking level. This easement will allow for future access for construction of additional underground parking opportunities envisioned as part of the Firehouse Square Economic Development Target Site. The Belmont/San Carlos Fire Department have reviewed and approved the circulation plan for the proposed project.

Staff has discussed the vacation of this alleyway with the various utility owners. Mid-Peninsula Water District is relocating their water services and abandoning the water main that runs through this portion of the alleyway. City staff is working with the adjacent property owners to relocate their sewer service laterals.

PG&E, AT&T and Comcast Cable are preparing their construction documents to relocate and underground the electrical, telecommunication and gas lines in this area. However, they have requested a temporary utility easement be reserved and remain effective until all their utilities are relocated. After further discussion, a condition is imposed such that all relocations shall be completed by the utility companies within 120 days after the recordation of the attached resolution. This easement shall not affect the construction of the development outside the alleyway to be abandoned. A new utility trench also needs to be installed along the south side of the Old Belmont Fire Station property at 875 O'Neill Avenue. A new public utility easement is required from the Belmont Redevelopment Agency.

Staff has reviewed the conceptual development plan for the Firehouse Square Economic Development Target Site. An underground parking structure is proposed in the same easement area. However, the proposed utilities in this easement will not cause any conflict with the new development. In order to accommodate the new structures within this development, all the existing overhead utilities on Civic Lane from Broadway to O'Neill Avenue will have to be relocated to Fifth Avenue. After this final relocation, the utilities within the proposed easement area will no longer be needed and the easement can be vacated at that time (Exhibit C).

After the vacation, one half of the alley will be reverted back to the owner at 1300 El Camino Real. The City is approaching completion of negotiations with the developer to sell the west half of Civic Lane to the applicant in order to accommodate the proposed development expansion; the effective lot size would be increased approximately by 1,800 square feet.

General Plan/Vision Statement

Staff has reviewed the General Plan and concluded that the following goals and policies are relevant to the request:

- *General Goal 10. To provide for safe and efficient movement of people and goods within the community and between the community and other areas of the region with a minimum of disruption and adverse environmental effects.*
- *General Policy 4-g. Safe access to the public road system of the community shall be provided.*
- *Circulation Element- Goal 1. To provide a transportation system consistent with the residential, small character and physical setting of Belmont.*
- *Circulation Element- Trafficways Policy 5. Streets and roads should be designed for safe travel at moderate speeds and for low maintenance costs.*
- *Public Facilities and Services Goal 3. To provide public services at a level adequate to ensure public safety, health and welfare at the lowest possible cost.*
- *Public Facilities and Services Goal 4. To establish and maintain all essential public services and facilities in a manner that ensures continued operation in time of emergency.*

Fiscal Impact

None at this time. The west half of the vacated alleyway will be sold to the developer for the construction of the new building. Staff is approaching completion of negotiations with the developer for modifications to the project, the sale of a portion of Civic Lane, granting of access/easement rights on Civic Lane, financial considerations for the ramp improvements, and utility relocations within Civic Lane. The Redevelopment Agency will pay for the cost to reroute the electrical, telecommunication and gas lines. PG&E, AT&T and Comcast are preparing their estimates for the work.

Public Contact

The agenda was posted as required by the California Government Code. Notice to the public was conducted in accordance with the State and City ordinance of posting the area proposed to be vacated and notification by mail to property owners within 300 feet radius of the site.

The City has placed a public notice display advertisement in the local newspaper of general circulation (The Examiner) for the scheduled public hearing by the City Council on August 12, 2008.

Recommendation

It is recommended that the City Council approves the vacation of a portion of the 20' public alleyway at Civic Lane adjacent to 1300 El Camino Real, and retaining an access easement and temporary utility easement. It is also recommended that the City Council accepts the dedication of a public utility easement on the Old Belmont Fire Station property at 875 O'Neill Avenue.

Alternatives

1. Take public testimony and continue the item, directing any questions to staff for research and response. A staff memorandum would be prepared for consideration at a future meeting.
2. Take no action.

Attachments

- A. Resolution Vacating the Alleyway
- B. Resolution Accepting Dedication of Public Utility Easement
- C. Exhibit A – Legal Description for Abandonment of Alleyway
- D. Exhibit B – Plat for Abandonment of Alleyway
- E. Exhibit C – Overhead Utility Relocation Map
- F. Exhibit D – Aerial Map for Abandonment and Easement Location
- G. Exhibit E – Legal Description for Public Utility Easement
- H. Exhibit F – Plat for Public Utility Easement

Respectfully submitted,

Gilbert Yau, PE
Senior Civil Engineer

Raymond E. Davis III, PE, PTOE
Director of Public Works

Jack R. Crist
City Manager

Staff contact:
Ray Davis
Public Works Director
(650) 595-7459
rdavis@belmont.gov

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELMONT VACATING
A PORTION OF THE 20' ALLEYWAY KNOWN AS CIVIC LANE ADJACENT
TO 1300 EL CAMINO REAL (APN 045-244-010)**

WHEREAS, that certain map entitled “BAY VIEW HEIGHTS” filed in the Office of the Recorder of the County of San Mateo, State of California, on October 18, 1926 in Volume 14 of Maps at Pages 39 and 40 showing a “20 FT. ALLEY” adjacent to 1300 El Camino Real (APN 045-244-010); and,

WHEREAS, a public hearing was held on the 12th day of August 2008 at the hour of 7:30 p.m., or as soon thereafter as the matter could be heard, in the Belmont City Hall, One Twin Pine Lane, Belmont, California as provided by a motion adopted July 8, 2008 expressing the Council’s intention to vacate and abandon a portion of the 20’ alleyway known as Civic Lane adjacent to 1300 El Camino Real (APN 045-244-010); and,

WHEREAS, an access easement will be retained by the City over the portion of the Civic Lane alleyway to be abandoned for future access for additional underground parking opportunities envisioned as part of the Firehouse Square Economic Development Target Site; and,

WHEREAS, a temporary utility easement will be retained for the existing utilities within the portion of alleyway to be abandoned; and,

WHEREAS, no development shall be allowed within the portion of the alleyway to be abandoned until the temporary utility easement has expired; and,

WHEREAS, said temporary utility easement will expire 120 calendar days after the recordation of this resolution or after all the relocation works have been signed off by the utility companies, whichever date is earlier; and,

WHEREAS, all utility relocations must be completed by the utility companies before the expiration of said temporary utility easement; and,

WHEREAS, said easement shall not affect the construction of the development outside the alleyway to be abandoned; and,

WHEREAS, notice of said public hearing was mailed, posted and published in the manner and for the time prescribed by law; and,

WHEREAS, all interested persons were given the opportunity to be heard at said public hearing, and the Council has taken into consideration all evidence adduced in the record in that said hearing; and,

WHEREAS, after hearing and considering all of said evidence, the public hearing was closed and the matter was taken into the hands of the council; and,

WHEREAS, substantial evidence in the record shows that adequate alternative access is available to all of the properties formerly served by said alleyway; and,

WHEREAS, the City Council of the City of Belmont, in accordance with the provisions of the Streets and Highways Code of the State of California, Section 8300 Division 9, Part 3, Chapter 4, thereof, elects to vacate and abandon said alleyway.

NOW BE IT RESOLVED, THAT:

City Council having given due consideration to all the evidence presented at the public hearing, and all other evidence and reports submitted as part of the record of this matter, and upon such consideration and evidence, makes the following decisions.

1. The City Council does hereby order that under the provisions of Section 8300 of Chapter 4 of Part 3 of Division 9 of the Streets and Highways Code to vacate a portion of the 20' alleyway known as Civic Lane adjacent to 1300 El Camino Real (APN 045-244-010) as shown on Exhibits A and B attached hereto and made a part hereof.
2. An access easement for ingress and egress to and from Lots 1 through 38 and the '20 FT. ALLEY' in Block 3 shown on that certain map entitled "BAY VIEW HEIGHTS" filed in the Office of the Recorder of the County of San Mateo, State of California, on October 18, 1926 in Volume 14 of Maps at Pages 39 and 40, is hereby reserved, pursuant to the provisions of Section 8340 of the Streets and Highways Code, upon, over and across that portion of the 20' alleyway being abandoned.
3. A temporary utility easement is hereby reserved, pursuant to the provision of Section 8340 of the Street and Highway Code, upon, over and across that portion of the 20' alleyway being abandoned. No development shall be allowed within the portion of the alleyway to be abandoned until the temporary utility easement has expired. Said easement shall expire 120 calendar days after the recordation of this resolution or after all the utility relocation work has been signed off by the utility companies, whichever date is earlier. All utility relocations must be completed by the utility companies within the prescribed time frame.
4. From and after the date of recordation of this resolution, the vacated alleyway will no longer constitute a public right-of-way except the reserved access easement and temporary utility easement.

* * * * *

I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the City of Belmont at a regular meeting thereof held on August 12, 2008.

AYES, COUNCIL MEMBER(S): _____

NOES, COUNCIL MEMBER(S): _____

ABSENT, COUNCIL MEMBER(S): _____

ABSTAIN, COUNCIL MEMBER(S): _____

City Clerk, City of Belmont

APPROVED:

Mayor, City of Belmont

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELMONT ACCEPTING
THE DEDICATION OF A PUBLIC UTILITY EASEMENT ON THE OLD BELMONT
FIRE STATION PROPERTY AT 875 O'NEILL AVNUE (APN 045-244-160)**

WHEREAS, on June 24, 2008, the Belmont City Council approved a tentative map and conceptual development plan amendment for the construction of a new four story mixed-use building at 1300 El Camino Real; and,

WHEREAS, completion of the project requires the vacation of a portion of Civic Lane to create a site large enough to accommodate the new mixed-use building; and,

WHEREAS, a public hearing is scheduled for the August 12, 2008 Belmont City Council meeting to vacate a portion of Civic Lane adjacent to the new development at 1300 El Camino Real; and,

WHEREAS, the portion of the 20' alleyway proposed to be vacated includes existing electrical, gas, and tele-communication utilities; and,

WHEREAS, PG&E, AT&T and Comcast Cable are preparing their construction documents to relocate and underground the existing electrical, telecommunications and gas lines within this area; and,

WHEREAS, a new utility joint trench needs to be installed along the south side of the Old Belmont Fire Station parking lot at 875 O'Neill Avenue, and a new public utility easement is required.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Belmont:

1. Accepts the dedication of a 10' public utility easement from the Belmont Redevelopment Agency on the Old Belmont Fire Station property at 875 O'Neill Avenue (APN 045-244-160) as shown on Exhibits E and F attached hereto and made a part hereof.
2. From and after the date of recordation of this resolution, the said public utility easement will be accepted by the City of Belmont.

* * * * *

I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the City of Belmont at a regular meeting thereof held on August 12, 2008.

AYES, COUNCIL MEMBER(S): _____

NOES, COUNCIL MEMBER(S): _____

ABSENT, COUNCIL MEMBER(S): _____

ABSTAIN, COUNCIL MEMBER(S): _____

City Clerk, City of Belmont

APPROVED:

Mayor, City of Belmont

EXHIBIT A

PORTION OF ALLEY
TO BE ABANDONED

A portion of the "20 FT. ALLEY" which lies adjacent to Lots 17, 18, 19, 20, 21 and 22 in Block 3, as said lots and alley are shown on that certain map entitled "BAY VIEW HEIGHTS", filed in the office of the Recorder of the County of San Mateo, State of California on October 18, 1926 in Book 14 of Maps at Pages 39 and 40, said portion being more particularly described as follows:

Beginning at a point on the southeasterly line of O'Neill Avenue as shown on the above said map, said point being the most northerly corner of said Lot 20; thence, along the northeasterly line of Lots 20, 21 and 22, South $44^{\circ}02'00''$ East, 91.20 feet to the most easterly corner of Lot 22; thence North $45^{\circ}58'00''$ East, 20.00 feet to the most southerly corner of Lot 17; thence North $44^{\circ}02'00''$ West, 92.41 feet to the southeasterly line of O'Neill Avenue; thence South $42^{\circ}30'00''$ West, 20.04 feet to the Point of Beginning.

Containing 1836 square feet, more or less.



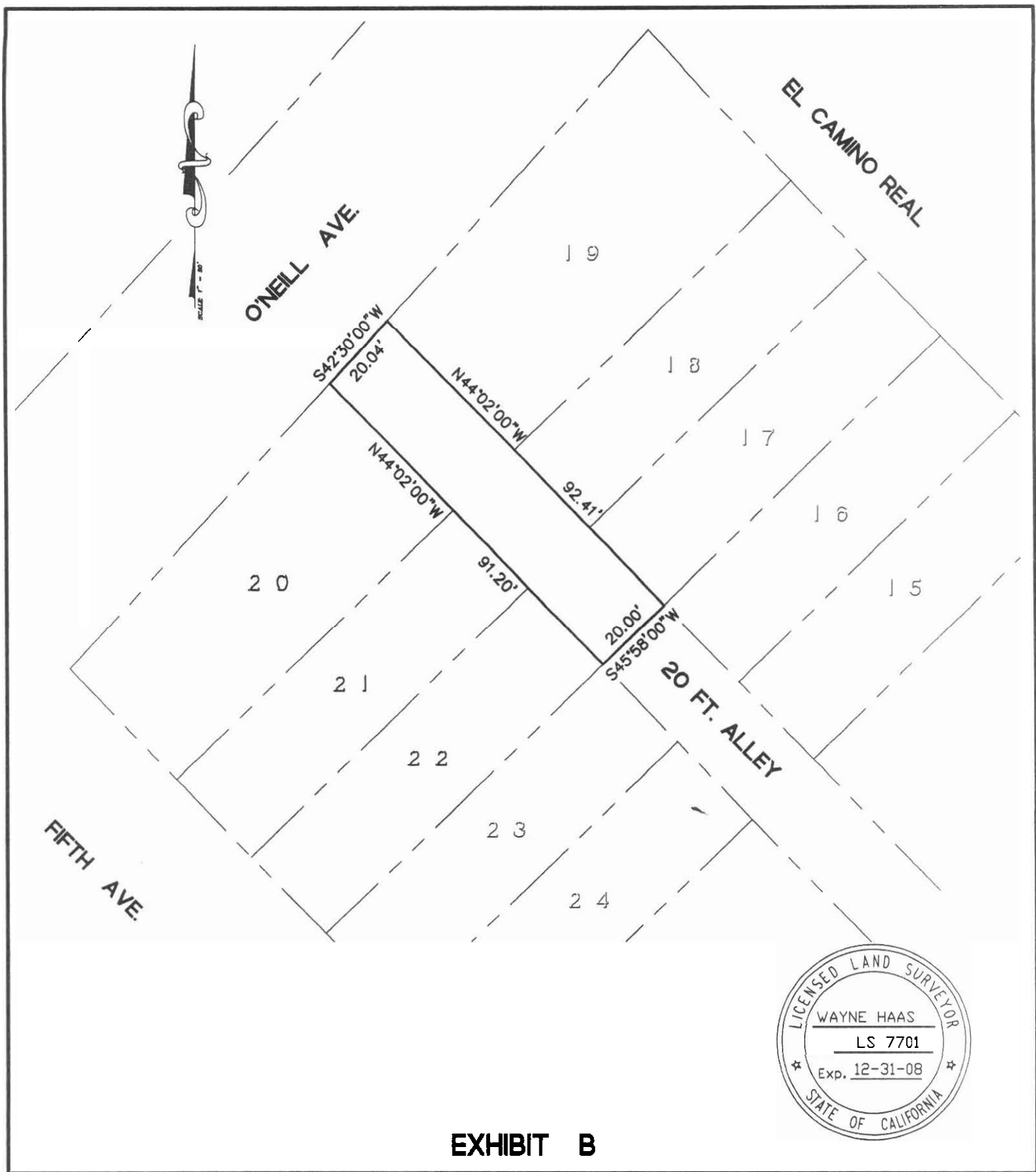
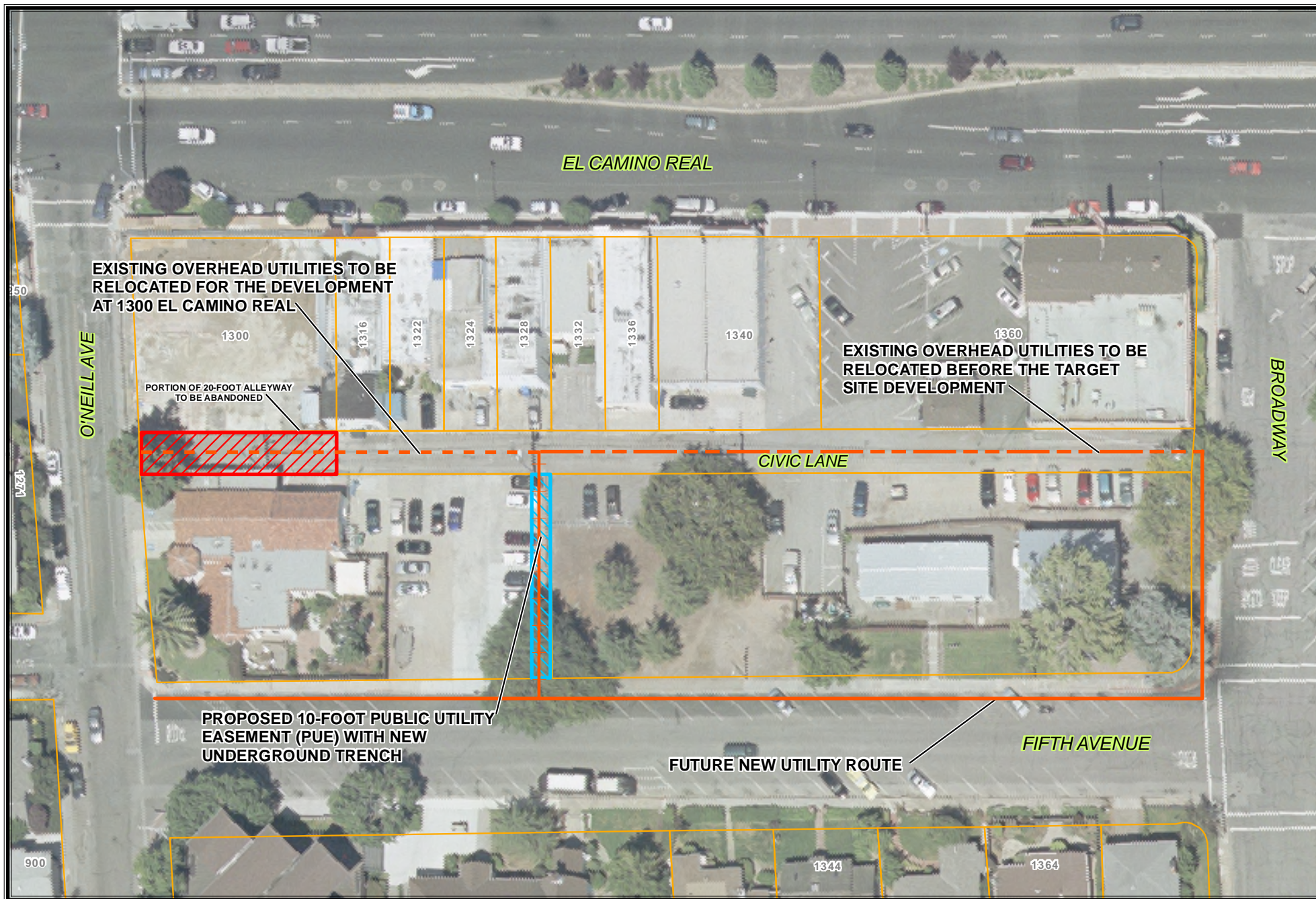


EXHIBIT B

B & H SURVEYING, INC. 901 WALTERMIRE ST., BELMONT, CA 94002 (650) 637-1590			
TITLE: PARTIAL ALLEY ABANDONMENT IN BLOCK 3 OF 14 MAPS 39 - 40			
CITY: BELMONT		COUNTY: SAN MATEO COUNTY CALIFORNIA	
SURV:	SCALE: 1" = 30'	FOR:	JOB NO. 5509-07
PLAT: W.H.	DATE: NOV. '07		DWG NO. 5509-EXHIBIT-B



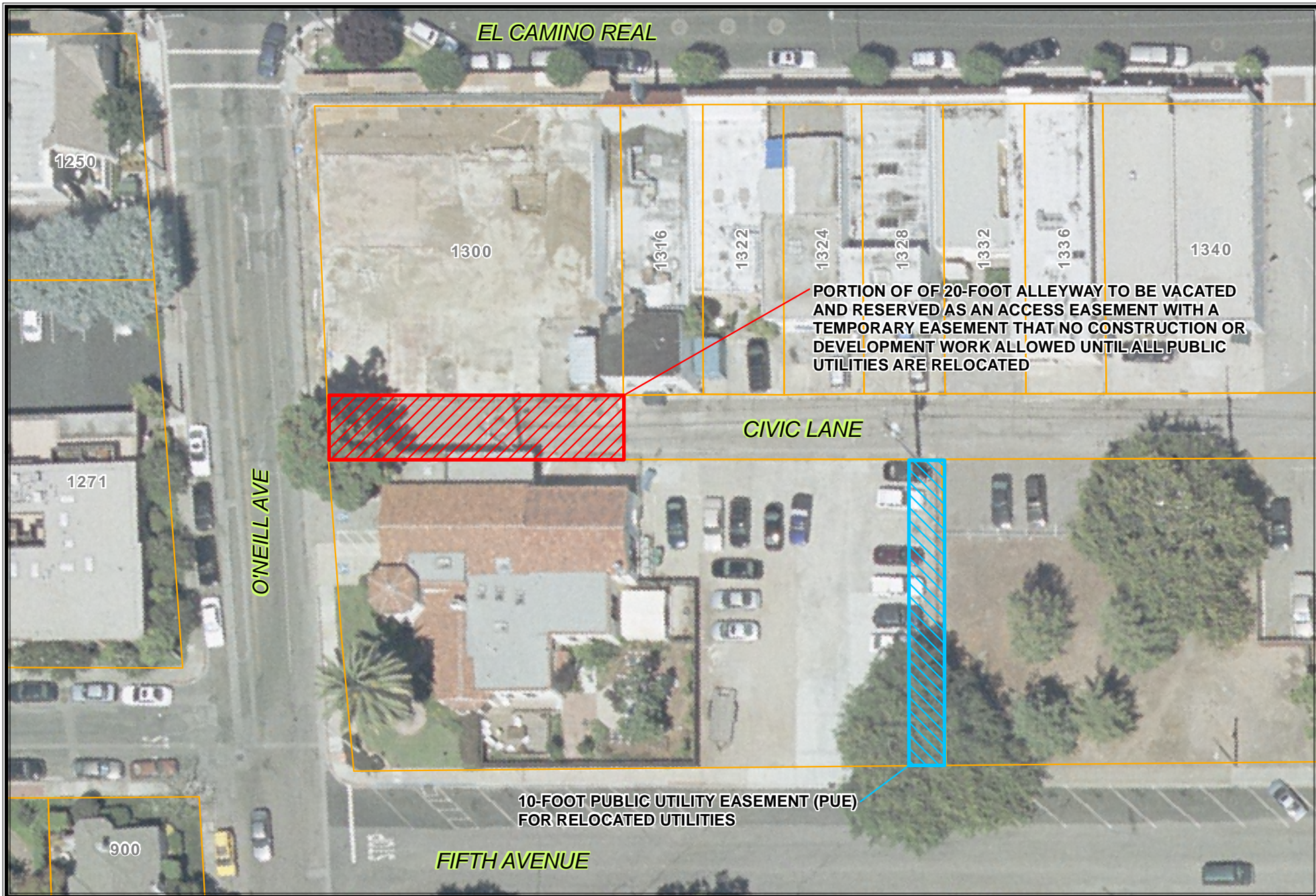
AUG 2008



1 INCH EQUALS 60 FEET

UTILITY RELOCATION MAP

EXHIBIT C



AUG 2008



1 INCH EQUALS 40 FEET

VICINTY OF 1300 EL CAMINO REAL

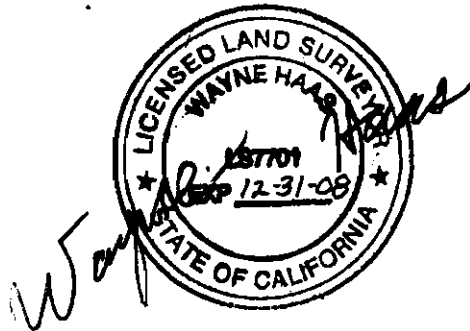
EXHIBIT D

EXHIBIT E

PUBLIC UTILITY EASEMENT

The southeasterly 10 feet of Lot 26 in Block 3 as shown on that certain map entitled "BAY VIEW HEIGHTS" filed in the Office of the Recorder of the County of San Mateo, State of California on October 18, 1926 in Volume 14 of Maps at Pages 39 and 40, more particularly described as follows:

Beginning at the most southerly corner of said Lot 26; thence, along the southwesterly line of Lot 26, North 44°02'00" West, 10.00 feet; thence, leaving said southwesterly line and running parallel to the southeasterly line of Lot 26, North 45°58'00" East, 90.00 feet to the northeasterly line of Lot 26; thence South 44°02'00" East, 10.00 feet to the most easterly corner of Lot 26; thence South 45°58'00" West, 90.00 feet to the Point of Beginning.



O'NEILL AVE

EL CAMINO REAL

20

21

22

23

24

25

26

27

28

18

17

16

15

14

13

12

20 FT. ALLEY

B L O C K

3

FIFTH AVE.



EXHIBIT F

B & H SURVEYING, INC. 901 WALTERMIRE ST., BELMONT, CA 94002 (650) 637-1590

TITLE: PROPOSED 10' PUBLIC UTILITY EASEMENT

CITY: BELMONT

COUNTY: SAN MATEO COUNTY

CALIFORNIA

SURV:	SCALE: 1" = 30'	FOR: THE CITY OF BELMONT	JOB NO. 5509-07
PLAT: W.H.	DATE: JULY '08		DWG NO. 5509-EX-B-PUE